IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL.

Writ Petition No. 768 (S/S) of 2007

Smt. Anita Devi W/o Sri Sushil Kumar
R/o Bhagwantpur Road, Near Telephone Exchange Post Office & Tehsil Jaspur
District-Udham Singh Nagar -------Petitioner

Versus

1. The State of Uttarakhand through The Secretary, Vidhyalaya Shiksha, Uttarakhand, Dehradun
2. The Additional Director of Education, Kumaoun Mandal, Nainital
3. District Education Officer (Basic) Udham Singh Nagar
4. The Additional District Education Officer (Basic) Udham Singh Nagar

-------Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Jitendra Chaudhary, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. To issue a writ, order or direction in the nature of certiorari to quash the impugned cancellation order dated 4.6.2007 (Annexure-1) passed by the respondent no. 4 i.e. the Additional District Education Officer (Basic) Udham Singh Nagar and further prayed that she may be given permanent appointment at primary school, Majhra Meghawala Block Jaspur District Udham Singh Nagar.

2. or To issue a writ, order or direction in the nature of mandamus commanding and directing the respondents that they may permit to the petitioner to join her services at primary school, Kunda, Jaspur in pursuance to the transfer order dated 21.12.2005 (Annexure 4) passed by the respondent no. 3 i.e. District Education Officer, Udham Singh Nagar.
3. or issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
4. Award the cost of the petition.

By the impugned order, the attachment of the petitioner has been cancelled. The petitioner was initially appointed after completing Special B.T.C. Training vide order dated 15th March, 2005 as Assistant Teacher, Primary School, Etowah, Block Bajpur, District Udham Singh Nagar.

After appointment, the petitioner made a representation to the respondents that since the place, where the petitioner has been posted, is 5-6 Kms. far from the motor head, she may be transferred to some other place, which is near motor head. This representation was made to the Additional Director of Education, who in turn directed the Additional District Education Officer (Basic) Udham Singh Nagar to pass appropriate order on the representation of the petitioner. Consequently, the Additional District Education Officer (Basic) attached the petitioner to Primary School Majhra Meghawala Block Jaspur, District Udham Singh Nagar. This attachment was made till building is constructed of the school.

After completion of the building, the petitioner requested the respondents that she may be permitted to continue at Primary School, Majhra Meghawala, Block Jaspur, but not action was taken by the respondents. In the meantime, on 21.12.2005, the petitioner was transferred to Primary School, Kunda, Block Jaspur. However, according to the petitioner, this order was not communicated to her and, consequently, she could not join at new place of posting. Now by the impugned order, the attachment of the petitioner to Primary School, Majhra Meghawala has been cancelled and the petitioner is directed to join at Etowah, Bajpur. The attachment order has been cancelled in pursuance to the policy adopted by the Government to cancel the attachment of teachers.

I do not find any illegality in the order canceling the attachment of the petitioner.

Learned counsel for the petitioner has submitted that he has already moved a representation before respondent no. 4 Additional District Education Officer (Basic) Udham Singh Nagar to transfer the petitioner from Primary School Etowah Block Bajpur to any other School situated in Block Jaspur or Bajpur and the said representation is still pending before Additional District Education Officer, and consequently, he requested that the Additional District Education Officer may be directed to take decision on the representation.

The prayer is innocuous.

Consequently, I direct the Additional District Education Officer (Basic), Udham Singh Nagar to take decision on the

representation of the petitioner dated 29.04.2006, Annexure 5 to this writ petition within a period of three weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

02.07.2007

VKS